

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**Oakland Venue**

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**Petition for Summons for Offender Under Supervision**

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**Name of Offender**

Tony Giovanni Joseph

**Docket Number**

0971 4:12CR00058-001 JSW

**Name of Sentencing Judge:**

The Honorable Jeffrey S. White  
United States District Judge

**Date of Original Sentence:**

May 5, 2015

**Original Offense**

Count One: Use of a Communications Facility in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 843(b),(d)(1), a Class C felony

**Original Sentence:** 48 months custody; one year term of supervised release

**Special Conditions:** \$100 special assessment; drug testing/treatment; mental health treatment; abstain from the use of alcohol; reside in a Residential Reentry Center for a period of up to six months; expanded search condition; register as a drug offender; DNA collection; weapons prohibition.

**Prior Form(s) 12:** On February 4, 2016, Your Honor modified Mr. Joseph's conditions to include the condition that he reside at the San Francisco Residential Reentry Center for a period of up to an additional 180 days.

**Type of Supervision**

Supervised Release

**Assistant U.S. Attorney**

Kevin Barry

**Date Supervision Commenced**

August 7, 2015

**Defense Counsel**

Robert Frederick Waggener (Appointed)

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**Petitioning the Court**

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on May 20, 2016, at 9:30 a.m.

I, Jennifer J. James, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or

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documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that the offender violated special condition number two, which states that he shall participate in a mental health treatment program, as directed by the probation officer.
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On November 5, 2015, December 3, 2015, January 11, 2016, January 25, 2016, February 1, 2016, February 8, 2016, and on February 15, 2016, Mr. Joseph failed to attend scheduled mental health treatment sessions at Dolan Mental Health.

Evidence of the alleged violation is contained in chronological entries in Mr. Joseph's electronic probation file dated November 5, 2015, December 3, 2015, January 11, 2016, January 25, 2016, February 1, 2016, February 8, 2016, and on February 15, 2016.

Two	There is probable cause to believe that the offender violated the special condition added on February 4, 2016, which stated that he shall reside at the San Francisco Residential Reentry Center for a period of up to an additional 180 days.
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On February 24, 2016, Mr. Joseph was unsuccessfully terminated from the RRC after he was found engaging in sexual acts (a violation of program rules) with a female resident in his bathroom.

Evidence of the alleged violation is contained in an RRC incident report dated February 24, 2016.

Three	There is probable cause to believe that the offender violated standard condition number seven, which states, in part, that he shall not use a controlled substance.
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On March 7, 2016, Mr. Joseph submitted a urine sample for testing at the probation office, which returned positive for the presence of marijuana and methamphetamine on March 11, 2016.

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Evidence of the alleged violation is contained in Alere Drug Test Report for specimen number B03230297.

Four                      There is probable cause to believe that the offender violated special condition number one, which states that he shall participate in a program for drug treatment, as directed by the probation officer.

On March 22, 2016, I referred Mr. Joseph to residential drug treatment at HealthRIGHT 360. They admitted him to their detoxification program that day, and on March 25, 2016, he was unsuccessfully terminated for smoking "spice" (synthetic marijuana, an intoxicant).

Evidence of the alleged violation is contained in chronological entries in Mr. Joseph's electronic probation file dated April 13 and 15, 2016.

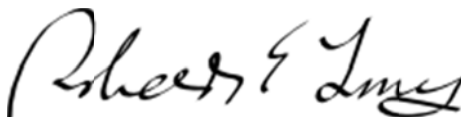
Based on the foregoing, there is probable cause to believe that Tony Giovanni Joseph violated the conditions of his Supervised Release.

Respectfully submitted,

Reviewed by:



Jennifer J. James  
U.S. Probation Officer-In-Charge  
Date Signed: April 18, 2016



Robert E. Tenney  
Supervisory U.S. Probation Officer

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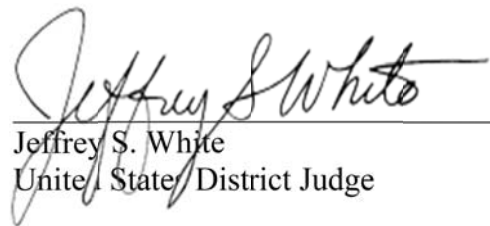
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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on May 20, 2016, at 9:30 a.m.
- ☐ Other:

Date: April 21, 2016

  
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Jeffrey S. White  
United States District Judge

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## APPENDIX

Grade of Violations: C [USSG §7B1.1(a)(3), p.s.]

Criminal History at time of sentencing: V

	<b>Statutory Provisions</b>	<b>Guideline Provisions</b>
<b>Custody:</b>	One year – 18 U.S.C. § 3583(e)(3)	7 – 13 months, USSG §7B1.4(a), p.s.
<b>Supervised Release:</b>	One year, less any term of custody imposed 18 U.S.C. § 3583(b)(3) and (h)	One year, less any term of imprisonment imposed USSG §7B1. 3(g)(2), p.s.
<b>Probation:</b>	Not authorized	Not authorized